

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

SHONDA RENEE BEVERLY,

Plaintiff,

v.

KILOLO KIJAKAZI,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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CIVIL ACTION NO. 4:23-CV-00048-AGD

**MEMORANDUM OPINION AND ORDER**

Before the court for consideration is the Commissioner’s Unopposed Motion to Reverse and Remand and Enter Judgment and Incorporated Memorandum in Support (“Commissioner’s Motion”) (Dkt. #19). After considering the Commissioner’s Motion, all pleadings on file, and the applicable law, the court finds the Commissioner’s Motion (Dkt. #19) should be **GRANTED**.

On January 17, 2023, Plaintiff Shonda Renee Beverly filed this action seeking judicial review of the Commissioner’s decision denying her application for disability benefits under the Social Security Act (Dkt. #1). On August 2, 2023, the Commissioner filed the Commissioner’s Motion, (Dkt. #19), asserting remand is appropriate and requesting the court reverse and remand the case for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). The Commissioner’s Motion is unopposed; accordingly, it appears both Parties agree that reversal and remand of this action is necessary (Dkt. #19 at p. 3).

Section 405(g) provides: “The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commission of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). Because further administrative proceedings are required in this case, the court agrees that

remand is appropriate pursuant to the fourth sentence of Section 405(g). Based on the foregoing, the court finds the Commissioner's final decision is hereby reversed, and Plaintiff's disability claim is hereby remanded to allow the Commissioner to conduct further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.W. 89 (1991).

For the foregoing reasons, it is **ORDERED** that the Commissioner's Unopposed Motion to Reverse and Remand and Enter Judgment and Incorporated Memorandum in Support, (Dkt. #19), is **GRANTED**. The Commissioner's decision is hereby **REVERSED** and **REMANDED** for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

**IT IS SO ORDERED.**

**SIGNED this 14th day of August, 2023.**

  
AILEEN GOLDMAN DURRETT  
UNITED STATES MAGISTRATE JUDGE